



DEPARTMENT OF THE ARMY and AIR FORCE
Joint Forces Headquarters, Kentucky National Guard
Office of the Adjutant General
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Frankfort, Kentucky 40601-6168

KG-HRO

1 June 2008

MEMORANDUM FOR All Commanders, Supervisors, and Active Guard Reserve/ Active Duty Operational Support Personnel, KyARNG

SUBJECT: (KyNG Log Number I08-010) Personnel Absences and Personnel Attendance Reporting; AGR/ADOS MOI # 1

1. This MOI supersedes AGR MOI # 1 Information Memorandum KYNG Log #I00-001 dated 6 December 1999.

2. The purpose of this message is to clarify existing leave and pass policy and to provide guidance on the recent change to DODI 1327.6, Leave and Liberty Procedures. The Change to DODI 1327.6, Paragraph 6.11.2.3, dated 16 November 2006 authorizes use of ordinary leave in conjunction with Special (3-Day or 4-Day) passes without a duty day in between the two periods of absences. Guidance contained in this message will be incorporated into the next scheduled revision of Army regulation (AR) 600-8-10, Leave and Passes. This memorandum also updated NGR 600-5, chapter 3-3, which prohibits AGR Soldiers from performing State Active Duty missions. This MOI is applicable to all Kentucky Army National Guard Personnel serving on Active/Guard Reserve (AGR) or Active Duty Operational Support (ADOS) duty under Title 32 USC 502(f).

3. References:

- a. AR 600-8-10 dated 31 July 2003.
- b. NGR 600-5 dated 20 February 1990.
- c. AR 135-18 dated 1 Nov 2004.
- d. Department of Defense Instruction 1326.6, OSD Memorandum dated 15 Nov 2006.
- e. KYARNG Log Number P07-011 dated 6 April 2007.

4. LEAVE POLICY.

a. Commanders (AO's and S-3's) will develop an annual leave program designed to provide maximum opportunity for all soldiers to utilize their leave. Leave granted will be within the constraints of operational military requirements. Commanders (AO's and S-3's) will encourage and assist all soldiers to use, on the average, 30 days of leave per year with an opportunity to take 14 consecutive days or longer when possible.

SUBJECT: (KyNG Log Number I08-010) Personnel Absences and Personnel Attendance Reporting; AGR/ADOS MOI # 1

b. **Soldiers are responsible for verifying their leave balances.** This may be accomplished by verifying data contained on the monthly Leave and Earnings Statement (LES). Leave will be granted only upon the request of the soldier concerned. Leave should be taken when the opportunity is afforded. Soldiers with approved leave will ensure that they understand the policies of AR 600-8-10.

5. LEAVE APPROVAL AUTHORITY.

a. The following positions are designated as leave approval authorities:

(1) XO, S3, S1, AO at Brigade/Battalion Level or their designated representative.

(2) All Directorates within the Kentucky Army National Guard or their designated representative.

(3) State AGR Manager.

b. Supervisors will normally recommend approval or denial of a leave request. When denial is recommended, reasons will be provided in Block 17 of the DA Form 31.

6. ACCRUAL, COMPUTATION OF LEAVE AND ACCRUED LEAVE.

a. Soldiers are entitled to leave with pay and allowances at the rate of 2 1/2 calendar days each month of active duty. Accrued leave over 60 days is lost at the end of each fiscal year. Monthly leave credit is as follows:

<u>DAY</u>	<u>TO</u>	<u>DAY</u>	<u>LEAVE ACCRUED</u>
1	-	6	1/2 DAY
7	-	12	1 DAY
13	-	18	1 1/2 DAYS
19	-	24	2 DAYS
25	-	31	2 1/2 DAYS

b. Since 10 Feb 76, soldiers can receive accrued leave payment for no more than 60 days of accrued leave during a military career. Accrued leave can only be sold at the time of tour renewal. Officer personnel can only sell on their first AGR tour or on separation date. Contact the HRO-SVCS office prior to tour renewal notice for questions concerning selling accrued leave.

7. ABSENCES FROM DUTY NOT CHARGEABLE TO LEAVE.

a. Administrative absence (Permissive TDY) is a period of authorized absence to attend or participate in activities of a semi-official nature which will benefit the service and the member. Permissive TDY may be authorized for the following reasons:

(1) Attendance at National Associations. The individual must be designated as an official delegate or as specifically authorized by NGB guidance.

SUBJECT: (KyNG Log Number I08-010) Personnel Absences and Personnel Attendance Reporting; AGR/ADOS MOI # 1

- (2) Retirement out-processing activities such as house hunting or seeking employment.
- (3) All requests for Permissive TDY must be routed through the Human Resources Office. The Adjutant General or his designated representative is the only approval authority for permissive TDY.

b. Sick leave or sick in quarters are periods excused from duty for treatment or medically directed self treatment by a medical officer or civilian physician. Periods of sick leave or sick in quarters should be documented by either a DD Form 689 or by written statement from a civilian physician and will not exceed a total of three (3) days at any one time.

c. Convalescent leave may be authorized to expedite a members recuperation after an illness or injury. Convalescent leave can only be approved by the Adjutant General with a recommendation from a Federal Medical Treatment Facility. **A DA Form 31 along with the Military Physician's approval will be forwarded to the HRO-SVCS office for processing.**

d. AGR's may be excused for a reasonable time to vote as long as the absence does not seriously interfere with operations. AGR's are expected to vote prior to the start or after the end of the workday. Should an employee, because of time/distance to voting locations or an unusually large turnout, may be excused from duty so as to report for work three hours after the polls open or to leave work three hours before the polls close, whichever results in the lesser amount of time.

e. IAW AR 600-8-10 para 5-29.a dated 15 February 2006 certain special passes may now be given for compensatory time off.

8. PASSES.

a. Passes are a privilege to be awarded to deserving soldiers. Passes are not an entitlement. There are two types of passes, regular and special.

(1) Regular passes are short, non-chargeable, authorized absences from post or duty during normal off duty hours.

(2) Non-duty periods of absence, other than the established or normal duty hours, are considered a pass period, to include official holidays.

(3) There are two kinds of special passes, a 3-day and a 4-day.

(a) A **3-day special pass**, which may include a national holiday and must include at least 1 duty day, normally begins at the end of the normal duty day on a given day and ends at the beginning of the normal duty day on the 4th day. For example, a soldier may depart at the end of the duty day on Monday evening and must return at the start of the normal duty day on Friday.

SUBJECT: (KyNG Log Number I08-010) Personnel Absences and Personnel Attendance Reporting; AGR/ADOS MOI # 1

(b) Leave may be granted in conjunction with a 3-day special pass, however, both the leave and the pass must begin and terminate on post, the permanent duty station, at the duty location or where the soldier normally commutes to duty.

(c) A **4-day special pass** must include at least 2 consecutive non duty (Saturday & Sunday) days.

(d) A special pass may not be combined with another regular pass or another special pass, however may now be taken in conjunction with leave without a duty day in between the pass and leave periods, however the soldier must be physically present at the permanent duty station location or local residence area when departing and returning from leave. If the member wishes to depart the permanent duty station during the special pass period and not return prior to the beginning of the leave period, then the entire leave and pass period will be charged as leave.

(e) Whenever a training holiday is granted with a federal holiday this is considered a 4-day special pass.

b. A pass may NOT be granted as compensatory time for a period that a soldier attends a normal unit training assembly or annual training periods.

c. A copy of each approved pass must be submitted to HRO-SVCS.

9. LEAVE PROCEDURES.

a. The HRO-SVCS office maintains a DA Form 4179-R (Leave Control Log) for the purpose of controlling and issuing leave control numbers. All leave approval authorities must maintain a leave control log on their personnel.

b. Control numbers start with 0001 at the beginning of each fiscal year. These numbers will be issued by the HRO-SVCS office. Each organization will record only those leaves which apply to the personnel within their command.

c. Soldier will complete items 2 - 11 of DA 31. Items 12 and 13 will be completed by the supervisor and leave approval authority. After signature of the soldier, DA 31 will be forwarded to the immediate supervisor.

d. The leave coordinator will:

(1) Obtain a leave control number from the HRO-SVCS office and insert in Block # 1.

(2) Return the # 2 copy of the DA 31 to the soldier requesting leave.

(3) Complete items 14 - 17.

(4) Forward a copy to the HRO-SVCS office by transmittal letter (within 2 days) after completion of leave.

SUBJECT: (KyNG Log Number I08-010) Personnel Absences and Personnel Attendance Reporting; AGR/ADOS MOI # 1

e. The soldier will:

(1) Receive the # 2 copy of his leave. Soldier must keep this on his person at all times.

(2) Since there is no sign out/in log maintained from unit to state level the soldier must telephone his leave approving authority to advise them of return.

f. In the event the soldier requests an extension, the Leave approval authority will state so in block # 15 of the DA Form 31.

g. In the event the soldier requests leave to be cancelled, the leave approval authority, either BDE/BN AO will sign in block 17 "remarks section" that previously scheduled leave has been cancelled and DA 31 will be forwarded to the HRO-SVCS office.

h. In the event the soldier desires to start leave earlier than originally requested, HRO will be informed by the PSNCO of the changes in the date and the original DA 31 will be corrected to reflect the change.

9. ATTENDANCE AND ATTENDANCE REPORTING:

a. The workweek will be established as either a 5x4x9, 4x10, or 5x8 hour days with Monday, Wednesday or Friday chosen as the designated day off dependant upon work schedule chosen. This will be established for all AGR personnel minus recruiting. Except for IDT training weekend, Saturdays, Sundays, and any non work days, IDT/AT, and other ordered training periods are considered part of the normal work week, and will NOT be considered as extra duty or overtime.

b. Federal holidays are normally non work days. The following public holidays established by law will be observed except when military operations prevent. **Weekends** and **Holidays** are charged as leave if they fall within conclusive dates of leave and passes.

(1) New Year's Day, 1 January

(2) Martin Luther King Jr's Birthday, third Monday in January

(3) Washington's Birthday, third Monday in February

(4) Memorial Day, last Monday in May

(5) Independence Day, 4 July

(6) Labor Day, first Monday in September

(7) Columbus Day, second Monday in October

SUBJECT: (KyNG Log Number I08-010) Personnel Absences and Personnel Attendance Reporting; AGR/ADOS MOI # 1

(8) Veterans Day, 11 November

(9) Thanksgiving Day, fourth Thursday in November

(10) Christmas Day, 25 December

c. If the holiday falls on Saturday, the preceding Friday will be observed. If that Friday is the AWS Friday, the preceding Thursday would be observed. If the holiday falls on a Sunday or the AWS Monday, the following day will be observed.

d. Additional working hours or substitute equivalent work hours may be imposed by proper authority as necessary to accomplish the unit readiness mission. Such imposed hours should be reasonable and the principles of good management should be applied to such decisions in the consideration of personal health, welfare, and morale.

10. EMERGENCY LEAVE FROM ANNUAL TRAINING / EMERGENCY LEAVE

a. The major commander at each AT site may grant a 72 hour special pass to AGR personnel during the AT period for verified emergencies. Should the individual not be able to return to duty, the pass will be changed to leave effective the date the pass was granted. The HRO-SVCS office must be notified immediately of all emergency passes and leaves during an AT period.

b. Emergency leave is chargeable as ordinary leave. Block 7 of the DA Form 31 will be marked to reflect so. Emergency leave will be processed as any other leave. Leave can be advanced in the amount a soldier would accrue prior to ETS for emergencies only.

11. STATE ACTIVE DUTY:

a. AGR/ADOS Soldiers can no longer receive compensation for State Active Duty (SAD), under any circumstances. However, AGR/ADOS Soldiers can and will continue to perform State Active Duty to meet mission requirements, but only when one of the following conditions exists:

(1) There is an emergency affecting life and property;

(2) The unit is called to SAD by the Governor;

(3) The State Active Duty is part of the AGR Soldier's regular duties;

(4) KYNG equipment or property is used in support of SAD mission and AGR/ADOS Soldiers are required to transport, operate, maintain and secure the equipment.

b. Current legal opinion prohibits Full-Time National Guard Duty AGR/ADOS Soldiers from performing State Active Duty (SAD) missions outside of their normal day-to-day operations, to include those AGR/ADOS Soldiers assigned to Recruiting and

SUBJECT: (KyNG Log Number I08-010) Personnel Absences and Personnel Attendance Reporting; AGR/ADOS MOI # 1

Retention. Reference KYARNG Policy P07-011 dated 6 April 2007.

c. Under an emergency doctrine developed and implemented by NGB, AGR/ADOS Soldiers can respond to an emergency situation when necessary to save human life, prevent immediate human suffering, or lessen major property damage or destruction. However, upon stabilization, i.e. within a reasonable time period, individually activated AGR/ADOS Soldiers should be replaced with an M-Day (Traditional) Soldier, unless the SAD mission is a unit mission or requires the participation of the AGR/ADOS Soldier in their M-day capacity. They will not be in a SAD pay status.

d. AGR/ADOS officers and enlisted Soldiers supporting SAD missions for more than 59 total days are required to obtain a letter of input from the SAD mission supervisor for the completion of their Officer Evaluation Report (OER) or Non-Commissioned Officer Evaluation Report (NCOER), IAW AR 623-3, Table 3-1. This is not required if SAD mission evaluation chain is the same as the M-day evaluation chain.


SUBJECT: (KyNG Log Number I08-010) Personnel Absences and Personnel Attendance Reporting; AGR/ADOS MOI # 1

e. Individual AGR's/ADOS with health care problems incurred during state active duty should be advised to file a claim with the state workers' compensation program and seek advice on obtaining health care by contacting Administrative Services, ATTN: Angela Skelton, 502-607-1532. Additionally, all injuries will be reported to the HRO-SVCS office, SFC Todd Smothermon.

f. Contact the HRO-SVCS office for further information or to request leave control numbers. The AGR Manager must be notified of any injuries or illnesses incurred during state active duty missions.

12. Specific situations or circumstances not addressed in this memorandum will be handled on a case by case basis by the HRO-SVCS office, through appropriate authority.

FOR THE ADJUTANT GENERAL:


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COL, MP, KYNG
Human Resources Office